

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

SENICA MATTHEW FRANKLIN

PETITIONER

VERSUS

CIVIL ACTION NO. 1:10-cv-336HSO-JMR

RONALD KING

RESPONDENT

**ORDER ADOPTING REPORT AND RECOMMENDATIONS,
DENYING PETITION FOR WRIT OF HABEAS CORPUS, AND
DISMISSING ACTION WITH PREJUDICE**

This matter is before the Court on the Report and Recommendations [20] of Chief Magistrate Judge John M. Roper, entered in this cause on January 31, 2012. The Magistrate recommended that Petitioner Senica Matthew Franklin's Petition [1] for Writ of Habeas Corpus be denied. *See* Rep. and Rec. at p. 29. To date, Petitioner has not filed any objection to the Magistrate Judge's Report and Recommendation.¹ Where a party files a written objection, this Court is required to "make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made." 28 U.S.C. § 636(b)(1). However, where a party fails to file specific objections, the district court reviews the report and recommendation for findings and conclusions that are clearly erroneous or contrary to law. *Id.*; *see also United States v. Wilson*, 864 F.2d 1219, 1221 (5th

¹ On February 16, 2012, the Clerk of Court returned Petitioner's Objection to the Report and Recommendations to him for resubmittal with his original signature. Pursuant to FED. R. CIV. P. 11(a), all pleadings, motions, and other papers must be personally signed by an unrepresented party, and a court must strike an unsigned paper unless the omission is promptly corrected after being called to the party's attention. To date, Petitioner has not returned a signed copy of his Objection.

Cir. 1989).

After a thorough review of the record, the Court finds that, under either the de novo or clearly erroneous standard, the Magistrate Judge properly recommended that the Petition be dismissed. After referral of hearing by this Court, and no objections having been filed as to the Report and Recommendations, and the Court, having fully reviewed the same as well as the record and relevant law in this matter, and being fully advised in the premises, finds that the Report and Recommendations should be adopted in their entirety as the opinion of this Court.

IT IS, THEREFORE, ORDERED AND ADJUDGED that, the Report and Recommendations [20] of Chief Magistrate Judge John M. Roper, entered in this cause on January 31, 2012, are adopted in their entirety as the finding of this Court.

IT IS, FURTHER, ORDERED AND ADJUDGED that, the Petition for Writ of Habeas Corpus [1] filed by Petitioner Senica Matthew Franklin pursuant to 28 U.S.C. § 2254 should be and hereby is **DENIED**.

IT IS, FURTHER, ORDERED AND ADJUDGED that, this action is hereby **DISMISSED WITH PREJUDICE**. A separate judgment will be entered herein in accordance with this Order as required by FED. R. CIV. P. 58.

SO ORDERED AND ADJUDGED, this the 22nd day of March, 2012.

s/ Halil Suleyman Ozerden

HALIL SULEYMAN OZERDEN
UNITED STATES DISTRICT JUDGE